

**MEMORANDUM OF UNDERSTANDING**  
AMONG  
STATE OF WYOMING  
STATE OF IDAHO  
STATE OF MONTANA  
UNITED STATES DEPARTMENT OF THE INTERIOR  
UNITED STATES DEPARTMENT OF AGRICULTURE

**I. INTRODUCTION**

A. Parties

The parties to the agreement are the States of Wyoming, Idaho, and Montana, (States), the United States Department of the Interior (DOI), and the United States Department of Agriculture (USDA) (collectively referred to herein as the Departments).

B. Background

The Greater Yellowstone Area (GYA) has been described as a large, remote, relatively intact ecosystem, characterized by diverse and abundant free-ranging wildlife. The GYA is comprised of seven National Forests, two National Parks, three National Wildlife Refuges and a myriad of Bureau of Land Management, State and private lands. The following governmental entities have jurisdiction over separate land parcels in the GYA: Wyoming, Idaho, Montana, the United States Department of the Interior (National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management), and the United States Department of Agriculture (U.S. Forest Service).

Free-ranging wildlife, particularly bison and elk, migrate in response to changing seasons and habitats, regardless of land status or jurisdiction. Some migratory bison and elk of the GYA are infected with the organism *Brucella abortus*, which causes brucellosis in domestic cattle.

The livestock industry and the ranching lifestyle are important to the economy and the culture of the GYA. Pursuant to animal quarantine and related laws, the Secretary of Agriculture has promulgated regulations providing a system for classifying States or areas, herds, and individual animals with respect to brucellosis status. States or portions of States are classified according to their rate of brucella infection present in livestock and the general effectiveness of their brucellosis control and eradication program. The classifications are: Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C may be placed under Federal quarantine. Restrictions on the interstate movement of cattle and bison are generally more stringent for movements from Class A States or areas than from Class Free States or areas, and are more stringent for movements from Class B States or areas than from Class A States or areas, and so on. The most stringent restrictions are for movements from quarantined States or areas.

Idaho, Wyoming and Montana have been classified as Class Free States, under the regulations governing the interstate movement of livestock because of brucellosis, administered by the USDA Animal and Plant Health Inspection Service (APHIS). Montana and Wyoming have been classified as Class Free States since 1985 and Idaho has been classified as Class Free since 1990.

C. Recognition of Need

Wyoming, Idaho, Montana, and the United States Government recognize that responsible and socially acceptable management of brucellosis affected wildlife requires effective cooperation, coordination, and sharing of resources among the member agencies and the citizens of the United States.

**II. AUTHORITY AND PURPOSE**

- A. This Memorandum of Understanding (MOU) among the parties is entered into in order to form the Greater Yellowstone Interagency Brucellosis Committee (GYIBC).

B. The purpose of the GYIBC is defined by the following goal, mission, and objectives:

1. It is the Goal of the GYIBC to protect and sustain the existing free-ranging elk and bison populations in the Greater Yellowstone Area (GYA) and protect the public interests and economic viability of the livestock industry in the States of Idaho, Wyoming, and Montana.
2. Toward this goal it is the Mission of the GYIBC to facilitate the development and implementation of brucellosis management plans for elk and bison, and their habitat, in the GYA.
3. This mission will be accomplished by subscribing to the following management Objectives, which will, in turn guide the GYIBC:

- a. Recognize and maintain existing State and Federal jurisdictional authority for elk, bison, and livestock in the GYA;
- b. Maintain numerically, biologically, and genetically viable elk and bison populations in appropriate areas within the GYA;
- c. Maintain the brucellosis Class Free status of Wyoming, Montana, and Idaho, thus protecting the ability of producers in the respective States to freely market livestock;
- d. Eliminate brucellosis-related risks to public health from wildlife;
- e. Eliminate the potential transmission of *Brucella abortus* among elk, bison, and livestock;
- f. Coordinate brucellosis-related management activities among the parties;
- g. Base brucellosis-related management recommendations and decisions on sound science and factual information while encouraging and integrating new advances and technology
- h. Seek public involvement in the decision-making process;
- i. Communicate to the public factual information about the need to prevent the transmission of brucellosis, the need for its eradication, and the rationale for related member agency management actions; and
- j. Plan for elimination of *Brucella abortus* from the GYA by the year 2010.

### III. ORGANIZATION AND MEMBERSHIP

The GYIBC will have an Executive Committee and at least two subcommittees, the Technical Subcommittee and the Information and Education Subcommittee. Duly appointed Executive Committee and subcommittee representatives of the GYIBC member agencies will participate in accordance with Title II Sec. 204 (b) of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4.

A. The GYIBC Executive Committee will have the following voting members:

1. The Directors of the respective state wildlife agencies.
2. The respective State Veterinarians or State Directors of agriculture.
3. One Regional Forester representing the three U.S. Forest Service Regions included in the GYA.
4. The Director of Region 6 of the U.S. Fish and Wildlife Service.
5. The Director of the Rocky Mountain Region of the National Park Service.
6. The Wyoming State Director of the Bureau of Land Management representing the Bureau of Land Management in the three states included in the GYA.
7. The Administrator or designated representative of the Animal and Plant Health Inspection Service (APHIS).

B. The GYIBC Executive Committee will have the following non-voting members:

1. The Mid-Continent Ecoregion Regional Director of the National Biological Service (NBS).
2. The Director of the Northern Plains Area of the Agricultural Research Service.

- C. The government agencies described in III. A and B, above, are hereinafter referred to as "member agencies."
- D. Each of the GYIBC Executive Committee members listed above may designate an appropriate member agency official to serve in his or her capacity on the Executive Committee. As necessary, Executive Committee members may designate alternate representatives to serve in his or her capacity on the Executive Committee.
- E. Each of the GYIBC Executive Committee members may name one voting representative from their respective agency to each subcommittee established by the Executive Committee. The voting members of those subcommittees may nominate additional non-voting "advisors" to the subcommittees from agencies of the Departments or the States, to be approved by the Executive Committee.

#### **IV. SCOPE OF WORK**

- A. The GYIBC, through its Executive Committee, will:
  - 1. Develop options and recommendations for the Secretary of the Interior and the Secretary of Agriculture, the Governors of Wyoming, Idaho, and Montana, and regional administrators and directors of member agencies in charting a management program for brucellosis-affected wildlife populations, and their habitat, in the GYA.
  - 2. Provide coordination of member agency responsibilities for the purpose of accomplishing GYIBC's goal. The purpose of the GYIBC is to enhance operating efficiency among member agencies, and not to usurp or replace the mandates of any participating member Agency.
  - 3. Encourage cooperation in resolving resource problems and conflicting interests related to the presence of brucellosis in wildlife.
  - 4. Provide general guidance and oversight to all subcommittees.

#### **V. SUBCOMMITTEES**

- A. The Technical Subcommittee will serve at the director of the Executive committee and will:
  - 1. Develop a comprehensive base of current and objective scientific information, and recommend to the GYIBC Executive Committee management strategies based on common understanding of the ecology and epidemiology of brucellosis and its impacts on the resources of the GYA.
  - 2. Identify critical information gaps and research priorities, identify necessary funding, recommend research to the GYIBC Executive Committee, and solicit research proposals from qualified scientists and/or institutions.
  - 3. Serve as the scientific advisor to the GYIBC and perform peer review for brucellosis research in the GYA.
  - 4. Develop a GYIBC Cooperative Brucellosis Management Plan that recommends methods for the eventual elimination of brucellosis from affected wildlife in the GYA.
- B. The Information and Education Subcommittee will serve at the director of the Executive Committee and will:
  - 1. Develop factual information concerning the purpose of the GYIBC for approval and distribution by the Executive Committee.
  - 2. Develop a brucellosis information and education strategic plan for the Executive Committee. The strategic plan will recommend specific member agency information and education responsibilities, time frames, and objectives. This agreement will not preclude individual news releases by any member agency of the GYIBC on its positions or comments about brucellosis, as they relate to the specific member agency's mission, authority, and mandates.
- C. The GYIBC Executive Committee will initially appoint the chairs of the Technical and the Information and Education Subcommittees (and any additional future subcommittees). Thereafter,

the Subcommittees will recommend new chairs to be appointed by the Executive Committee of the GYIBC. The Subcommittee Chairs will each serve two-year terms and will alternate among the State and Federal member agency representatives.

- D. The Technical Subcommittee and the Information and Education Subcommittee, as well as any additional future subcommittees established by the Executive Committee, must report through the GYIBC Executive Committee and not directly to the Secretary of the Interior, the Secretary of Agriculture, or any other member agency official.
- E. Under the Unfunded Mandates Reform Act, Pub. L. 104-4, only elected state officers, or their designated representatives with authority to act on their behalf, may meet with federal officers to exchange views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration. The parties, therefore, agree that all members of the GYIBC Executive Committee and its subcommittees will be federal officials or state officials with the requisite authority.

## **VI. PUBLIC NOTICE AND RECORDS**

The GYIBC, through its chair, will announce its meetings and those of its various subcommittees, to the public in the GYA and other interested parties. Unless provided for in law, and for good cause, meetings will be open to the public. Minutes of the meetings will be available to the public.

## **VII. SUPPORT**

Each member agency is responsible for the travel expenses of its employees. The member agencies will consider responsibility for funding other matters, such as research costs and expenses of additional advisors to the subcommittees, from time to time and as necessary. The member agencies acknowledge that the DOI and the USDA cannot share the costs of certain activities without prior Congressional approval.

## **VIII. SPECIAL PROVISIONS**

### **A. General**

1. The GYIBC Executive Committee will meet at least once annually, the first meeting to be held no later than April 30<sup>th</sup> of each year. At this meeting, or at least once each year, the GYIBC Executive Committee will review research and management of brucellosis; develop and consider brucellosis research and management alternatives; develop, through its Technical Subcommittee, a GYIBC Cooperative Brucellosis Management Plan; establish the annual budget; and consider other issues as appropriate.
2. The members appointed to the GYIBC under Section III(A) (1-7) and Section III(B) (1-2) above are appointed by reason of their office and no longer may participate as a member of the GYIBC when they no longer hold their office. Member agencies agree to designate a replacement official as soon as possible following the separation of duly appointed representatives from their original positions.
3. Each member agency will coordinate its respective management of brucellosis-affected wildlife, and its habitat, with other member agencies to the extent possible, within fiscal limitations and statutory constraints.
4. This Memorandum of Understanding is intended to be a dynamic operating master agreement among the participating State and Federal agencies. As such, it may be modified with written supplemental agreements.
5. This Memorandum of Understanding will become effective on the date the final signature is affixed hereto. This agreement may be renewed annually in writing for up to five years.
6. This agreement can be terminated in writing in whole or in part by consensus of the parties.
7. Any member agency may withdraw from membership upon 120-day written notice signed by that member agency's Governor or Secretary.

8. If GYIBC-recommended services are contracted out, the contracting agency must meet the requirements of applicable State or Federal Acquisition Regulations, or both if required.

B. Availability of Funds (FAR 52.232.18) (APR 1984)

1. The Federal Government's obligation under this Memorandum of Understanding is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Federal Government for any payment may arise until funds are made available to the Contracting Officer for any contract and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

C. Officials Not to Benefit (FAR 52.203-1) (APR 1984)

1. No member of, or delegate to, Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit arising from it. This clause, however, does not apply to this contract to the extent that this contract is made with a corporation for the corporation's general benefit.

## IX. SIGNATURES

STATE OF WYOMING

**/s/ Jim Geringer, 6/26/95**

Jim Geringer, Governor

STATE OF IDAHO

**/s/ Phillip E. Batt, 6/26/95**

Phillip E. Batt, Governor

STATE OF MONTANA

**/s/ Marc Racicot, 7/5/95**

Marc Racicot, Governor

DEPARTMENT OF THE INTERIOR

**/s/ Bruce Babbitt, 5/31/95**

Bruce Babbitt, Secretary

DEPARTMENT OF AGRICULTURE

**/s/ Dan Glickman, 6/14/95**

Dan Glickman, Secretary